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9/27/04



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/822,230	04/09/2004	Raphael J. Mannino	BSZ-050

00959

LAHIVE & COCKFIELD, LLP  
 28 STATE STREET  
 BOSTON, MA 02109



CONFIRMATION NO. 1325

## FORMALITIES LETTER



\*OC000000013050902\*

Date Mailed: 06/24/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$8924 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$9824 for a Large Entity

09/27/2004 BSAYASI1 00000076 120080 10822230

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

01 FC:1001	770.00 DA
02 FC:1051	130.00 DA
03 FC:1202	2178.00 DA
04 FC:1201	344.00 DA

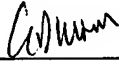
- Total additional claim fee(s) for this application is **\$8924**

- **\$516** for **6** independent claims over 3.
- **\$8118** for **451** total claims over 20.
- **\$290** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 419 928 040 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 24, 2004 Signature: \_\_\_\_\_

(Danielle L. Herritt)

Docket No.: BSZ-050  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Raphael J. Mannino *et al.*

Application No.: 10/822230

Confirmation No.: 1325

Filed: April 9, 2004

Art Unit: 1636

For: NOVEL ENCOCHLEATION METHODS,  
COCHLEATES AND METHODS OF USE

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

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Commissioner for Patents  
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Alexandria, VA 22313-1450

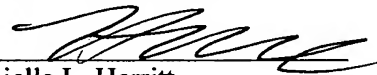
Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed June 24, 2004, Applicant respectfully submits a Declaration for Patent Application, Second Preliminary Amendment, the Filing Fee for the Application (as shown on accompanying Fee Transmittal), and Part 2 Copy of Notice.

Please charge our Deposit Account No. 12-0080 in the amount of \$3,522.00 (\$770 filing fee, \$2,532 extra claim fee, \$110 extension fee, \$130 surcharged based on a large entity). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. BSZ-050. Applicants request any extensions of time necessary to respond.

Dated: September 24, 2004

Respectfully submitted,

By   
Danielle L. Herritt  
Registration No.: 43,670  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant



Application No. (if known): 10/822230- Conf. #1325

Attorney Docket No.: BSZ-050

## Certificate of Express Mailing Under 37 CFR 1.10

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on September 24, 2004  
Date

Signature

Danielle L. Herritt, Esq., Reg. No. 43,670

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal (1 page)

Fee Transmittal (1 page- in duplicate)

One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Second Preliminary Amendment (22 pages)

Response to Notice to File Missing Parts of Application (1 page)

Declaration and POA for Patent Application (6 pages)

Designation of Record Attorneys (1 page)

Part 2 Copy of Notice (2 pages)

This Certificate of Express Mailing (1 page)

Charge \$3,532.00 to deposit account 12-0080

Return Receipt Postcard



PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/822230-Conf. #1325	
	Filing Date	April 9, 2004	
	First Named Inventor	Raphael J. MANNINO	
	Art Unit	1636	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	1	Attorney Docket Number	BSZ-050

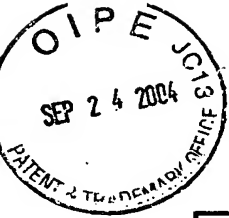
ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  Declaration for Patent Application Designation of Record Attorneys Part 2 Copy of Notice Certificate of Express Mail Return Receipt Postcard	
<table border="1"><tr><td>Remarks</td></tr></table>			Remarks
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	LAHIVE & COCKFIELD, LLP Danielle L. Herritt - 43,670
Signature	
Date	September 24, 2004

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Dated: September 24, 2004

Signature: (Danielle L. Herritt)



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<b>FEE TRANSMITTAL</b> <b>for FY 2004</b> <small>Effective 10/01/2003. Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
		Application Number	10/822230-Conf. #1325
		Filing Date	April 9, 2004
		First Named Inventor	Raphael J. MANNINO
		Examiner Name	Not Yet Assigned
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1636
<b>TOTAL AMOUNT OF PAYMENT</b>		( <b>\$</b> )	3,532.00
		Attorney Docket No.	BSZ-050

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)																																													
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>																																													
<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP																																															
The Director is authorized to: (check all that apply)																																															
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<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)																																															
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																															
<b>FEE CALCULATION</b>																																															
<b>1. BASIC FILING FEE</b>																																															
<table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Large Entity Fee (\$)</th><th>Small Entity Fee Code</th><th>Small Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1001</td><td>770</td><td>2001</td><td>385</td><td>Utility filing fee</td><td>770.00</td></tr><tr><td>1002</td><td>340</td><td>2002</td><td>170</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>530</td><td>2003</td><td>265</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>770</td><td>2004</td><td>385</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="5"><b>SUBTOTAL (1)</b></td><td>(<b>\$</b>) 770.00</td></tr></tbody></table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1001	770	2001	385	Utility filing fee	770.00	1002	340	2002	170	Design filing fee		1003	530	2003	265	Plant filing fee		1004	770	2004	385	Reissue filing fee		1005	160	2005	80	Provisional filing fee		<b>SUBTOTAL (1)</b>					( <b>\$</b> ) 770.00				
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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>																																															
<table border="1"><thead><tr><th>Total Claims</th><th>Extra Claims</th><th>Fee from below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>141</td><td>-20** = 121</td><td>x 18.00 =</td><td>2,178.00</td></tr><tr><td>Independent Claims</td><td>7</td><td>-3** = 4</td><td>x 86.00 = 344.00</td></tr><tr><td>Multiple Dependent</td><td></td><td></td><td></td></tr></tbody></table>		Total Claims	Extra Claims	Fee from below	Fee Paid	141	-20** = 121	x 18.00 =	2,178.00	Independent Claims	7	-3** = 4	x 86.00 = 344.00	Multiple Dependent																																	
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**or number previously paid, if greater; For Reissues, see above																																															
		<b>Other fee (specify)</b>																																													
		<b>*Reduced by Basic Filing Fee Paid</b>																																													
		<b>SUBTOTAL (3)</b> ( <b>\$</b> ) 240.00																																													

<b>SUBMITTED BY</b>		<b>(Complete if applicable)</b>	
Name (Print/Type)	Danielle L. Herritt	Registration No. (Attorney/Agent)	43,670
Signature		Telephone	(617) 227-7400
		Date	September 24, 2004

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